

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

**FTC CAPITAL MARKETS, INC.,
FTC EMERGING MARKETS, INC., also d/b/a
FTC GROUP, GUILLERMO DAVID CLAMENS,
LINA LOPEZ a/k/a NAZLY CUCUNUBA LOPEZ,**

Defendants.

ECF Case

09 Civ. 4755 (PGG)

ANSWER OF GUILLERMO DAVID CLAMENS

Defendant, Guillermo David Clamens, by his attorneys Fox Horan & Camerini, for his answer to the complaint herein respectfully advises the Court that he has been named as a defendant in a criminal complaint filed May 8, 2009 in this Court under docket number 09 Mag.1223 which alleges that he conspired to commit wire and securities fraud based on the same transactions alleged in the complaint herein.

Therefore, upon advice of counsel, Mr. Clamens respectfully asserts his privilege under the Fifth Amendment to the United States Constitution and declines to answer the allegations contained in each and every paragraph of the complaint. Mr. Clamens further respectfully requests that the Court deem this filing as the equivalent of a denial of each and every allegation in the complaint pursuant to *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 83 (2d Cir. 1995).

WHEREFORE, defendant Guillermo David Clamens respectfully seeks an

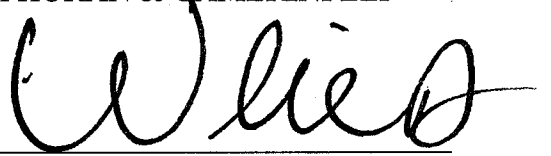
Order:

1. Dismissing the complaint in its entirety; and
2. Granting such other and further relief as this Court deems just and

proper.

Dated: New York, New York
August 3, 2009

FOX HORAN & CAMERINI LLP

By: 

William M. Brodsky (WB 4398)

V. David Rivkin (VR 6734)

Attorneys for Defendants

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